

REMARKS

Claims 1-16 are pending and rejected. Applicant respectfully requests reconsideration for the following reasons.

CLAIM REJECTIONS UNDER 35 U.S.C. § 102

Claims 1-5 are rejected under 35 U.S.C. §102(b) as anticipated by Chiba. Applicant respectfully disagrees.

Claims 1-5 recite flavor or fragrance compositions which contain at least one compound of the recited formula.

Chiba does not disclose these compositions. In contrast, Chiba discloses a process for preparing mercapto esters in the context of starting materials for "various industrial chemicals" (Chiba column 1, lines 12-14, emphasis added). There is no disclosure that these compounds could be formulated into compositions. More particularly, there is no disclosure that the compounds could be formulated into flavor or fragrance compositions, which applicant claims.

Hence, applicant respectfully asserts that Chiba does not disclose the claimed flavor or fragrance composition.

CLAIM REJECTIONS UNDER 35 U.S.C. § 103

Claims 6-16 are rejected under 35 U.S.C. §103(a) as obvious over Chiba in view of Ashurst. Applicant respectfully disagrees.

Claims 6-8 depend from claim 1. Applicant respectfully asserts that claims 6-8 are not obvious over Chiba in view of Ashurst. Regarding Chiba, applicant refers to the previous analysis distinguishing the claimed flavor or fragrance composition from the chemical. Regarding Ashurst, it discloses only that "sulphur

containing components have extremely low threshold values"; this combination of references does not establish a *prima facie* case of obviousness. Further, combining Chiba's chemicals with Ashurst's disclosure of mercaptans in general as food flavorings does not result in applicant's claimed composition.

Further, Chiba's preparation of chemicals does not provide a teaching, suggestion, or motivation to combine Ashurst's food flavorings, and does not result in applicant's claimed composition.

Claims 9-16 recite a method of flavoring or fragrancng a product using the compound of the recited formula. Applicant disagrees and asserts the same reasons as analyzed with the respect to the composition claims, namely, that Chiba's preparation of mercapto esters as starting materials for industrial chemicals does not provide a teaching, suggestion, or motivation to combine this disclosure with Ashurst to result in a method to flavor or fragrance a product by adding the recited compound of formula 1 to the product.

Applicant's claims recite specific mercaptan compounds. As known to one skilled in the art, there are numerous mercaptans that are not suitable for use in methods to flavor or fragrance products; as only one example, mercaptans with an offensive odor.

Hence, applicant respectfully asserts that Chiba in view of Ashurst does not render applicant's composition or method obvious.

CONCLUSION

For the above reasons, applicant believes the claims are in condition for allowance. Applicant has submitted all fees believed to be necessary herewith. Should any additional fees or surcharges be deemed necessary, Examiner has authorization to charge fees or credit any overpayment to Deposit Account No. 23-3000.

The Examiner is invited to contact the undersigned attorney if there are any questions or issues.

Respectfully submitted,

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